

BILL NO. 17-46

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN ON APPROXIMATELY 7.11 ACRES LOCATED AT THE SOUTHEAST CORNER OF NW BLUE PARKWAY AND NW COLBERN ROAD FOR THE PROPOSED SUMMIT VILLAGE, ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE, NO. 5209, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

WHEREAS, Application #PL2016-114 submitted by Newmark Grubb Zimmer, requesting approval of a preliminary development plan in District PMIX (Planned Mixed Use) on land located at the southeast corner of NW Blue Parkway and NW Colbern Road was referred to the Planning Commission to hold a public hearing; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a preliminary development plan by the City following public hearings by the Planning Commission and City Council, and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a public hearing for the consideration of the preliminary development plan on January 10, 2017, and rendered a report to the City Council recommending that the preliminary development plan be approved; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on February 16, 2017, and rendered a decision to approve the preliminary development plan for said property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That a preliminary development plan is hereby approved in District PMIX on the following described property:

A tract of land in the Southwest Quarter of Section 25, Township 48 North, Range 32 West of the 5th Principal Meridian in Lee's Summit, Jackson County, Missouri being bounded and described as follows: Commencing at the Northeast corner of said Southwest Quarter; thence South 03°02'10" West, along the East line of said Southwest Quarter, 1,073.34 feet to a point on the South right-of-way line of Colbern Road, as now established; thence South 84°44'05" West, along said South right-of-way line, 551.26 feet; thence South 03°02'10" West, continuing along said South right-of-way line, 6.06 feet to the Point of Beginning of the tract of land to be herein described; thence continuing South 03°02'10" West, 329.02 feet; thence South 03°01'16" West, 61.03 feet; thence South 39°49'54" East, 58.31 feet; thence Southerly, along a curve to the right, having an initial tangent bearing of North 67°04'27" East with a radius of 59.00 feet, a central angle of 200°58'59" and an arc distance of 206.96 feet; thence South 17°52'19" West, 291.89 feet; thence South 66°44'31" East, 19.66 feet; thence South 17°37'56" West, 90.31 feet; thence North 78°13'39" West, 23.25 feet; thence Westerly, along a curve to the right, being tangent to the last described course with a radius of 500.00 feet, a central angle of 05°44'34" and an arc distance of 50.11 feet; thence North 72°29'05" West, 308.18 feet to a point on the East right-of-way line of NW Blue Parkway, as now established; thence North 17°30'55" East, along said East right-of-way line, 100.00 feet; thence North 72°29'05" West, continuing along said East right-of-way line, 20.00 feet; thence North 17°30'55" East, continuing along said East right-of-way line, 49.59 feet; thence Northerly, continuing along said East right-of-way line, on a curve to the left,

BILL NO. 17-46

being tangent to the last described course with a radius of 1,155.00 feet, a central angle of 22°10'54" and an arc distance of 447.15 feet; thence Northeasterly, continuing along said East right-of-way line, on a curve to the right, having a common tangent with the last described course with a radius of 181.00 feet, a central angle of 84°19'06" and an arc distance of 266.37 feet to a point on the South right-of-way line of said Colbern Road; thence Easterly, along said South right-of-way line, on a curve to the right, having a common tangent with the last described course with a radius of 1,954.00 feet, a central angle of 05°04'58" and an arc distance of 173.34 feet; thence North 84°44'05" East, continuing along said South right-of-way line, 27.18 feet to the Point of Beginning. Containing 309,501 square feet or 7.11 acres, more or less.

SECTION 2. That the following conditions of approval apply:

1. A modification shall be granted to the required 20 foot wide high-impact landscape screen between the proposed site and the adjacent apartment development to the east of Lot 2, to allow medium impact landscape screening with a 10 foot wide buffer yard, plus a 6' vinyl fence with masonry piers along a portion of the eastern property line of Lot 2 as requested.
2. Development shall be in accordance with the preliminary development plan, date stamped December 6, 2016.
3. Approval of the preliminary development plan is only for Lots 1 & 2. Development of the conceptual master plan outside of Lots 1 & 2 shall require preliminary development plan approval under separate application.

SECTION 3. That development shall be in accordance with the preliminary development plan, date stamped December 6, 2017, appended hereto and made a part hereof.

SECTION 4. In granting modifications listed herein, the Governing Body concludes that the development will provide sustainable value to the City, incorporates sound planning principles and design elements that are compatible with surrounding properties and consistent through the proposed project, effectively utilize the land upon which the development is proposed, and further the goals, spirit and intent of the Unified Development Ordinance.

SECTION 5. Nonseverability. All provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgment.

SECTION 6. That failure to comply with all of the provisions contained in this ordinance shall constitute violations of both this ordinance and the City's Unified Development Ordinance, enacted by Ordinance No. 5209 and amended from time to time.

SECTION 7. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

BILL NO. 17-46

PASSED by the City Council of the City of Lee's Summit, Missouri, this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED by the Mayor of said city this ____ day of _____, 2017.

Mayor *Randall L. Rhoads*

ATTEST:

City Clerk *Denise R. Chisum*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*